United Nations A/73/560

General Assembly

Distr.: General
14 November 2018

Original: English

Seventy-third session
Agenda item 91

Strengthening and promoting the international treaty framework

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Strengthening and promoting the international treaty framework" was included in the provisional agenda of the seventy-third session of the General Assembly at the request of Argentina, Austria, Brazil, Italy and Singapore.

2. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 5th and 35th meetings, on 5 October and 13 November 2018. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

4. For its consideration of the item, the Committee had before it a letter dated 7 June 2018 from the Permanent Representatives of Argentina, Austria, Brazil, Italy and Singapore to the United Nations addressed to the Secretary-General (A/73/141), in which reference was made to the report of the Secretary-General on the review of the regulations to give effect to Article 102 of the Charter of the United Nations (A/72/86).

II. Consideration of draft resolution A/C.6/73/L.28

5. At the 35th meeting, on 13 November, the representative of Brazil, on behalf of the Bureau, introduced a draft resolution entitled "Strengthening and promoting the international treaty framework" (A/C.6/73/L.28). The Secretary informed the Committee that the draft resolution had no budgetary implications for the current biennium.

6. At the same meeting, the Committee adopted draft resolution A/C.6/73/L.28 without a vote (see para. 7).

[1] A/C.6/73/SR.5 and A/C.6/73/SR.35.

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III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Strengthening and promoting the international treaty framework

The General Assembly,

Recalling its resolutions 23 (I) of 10 February 1946, 97 (I) of 14 December 1946, 364 B (IV) of 1 December 1949, 482 (V) of 12 December 1950, 32/144 of 16 December 1977, 33/141 A of 19 December 1978 and 51/158 of 16 December 1996,

Recalling also its resolution 71/328 of 11 September 2017, which recognizes that multilingualism is a core value of the Organization that contributes to the achievement of the goals of the United Nations,

Conscious of the obligations resulting from Article 102 of the Charter of the United Nations and the importance of treaties in the development of international law and the international legal order,

Noting with appreciation the role of the Secretariat, in particular the Treaty Section of the Office of Legal Affairs, in the implementation of Article 102 of the Charter,

Noting that the considerable increase in the number of treaties submitted for registration over the past years has led to the growth in the volume of work carried out by the Treaty Section, contributing to the accumulation of unpublished treaties,

Noting also that, while the authentic texts of registered treaties are promptly made available online through the electronic treaty database, there is currently a significant backlog in the publication of the United Nations *Treaty Series* due to growing delays in the translation of treaties related, inter alia, to the limited resources available for the publication process,

Recognizing the importance of the expeditious processing, registration and publication of treaties and treaty-related actions,

Supporting the efforts of the Secretary-General to increase the efficiency of the registration and publication process within available resources and to enhance the role played by the Treaty Section in assisting Member States in this area,

Welcoming the measures taken by the Treaty Section to expedite the publication of the United Nations *Treaty Series* and to provide electronic access to all of its publications on the website of the United Nations Treaty Collection, and recognizing the role that new technology can play in the accessibility of the United Nations *Treaty Series*,

Recognizing that practice and technology have developed considerably since the last amendment to the General Assembly regulations to give effect to Article 102 of the Charter, and acknowledging the importance of maintaining consistency with treaty-making practice in the international community,

Bearing in mind the provisions of the Vienna Convention on the Law of Treaties,[1] and considering its adoption on 22 May 1969 by the United Nations Conference on the Law of Treaties,

[1] United Nations, *Treaty Series*, vol. 1155, No. 18232.

Convinced of the need to further gather and exchange views on practice relating to the strengthening and promoting of the international treaty framework,

1. *Recalls* Article 102 of the Charter of the United Nations, reaffirms the importance of the registration and publication of treaties, as well as their accessibility, and stresses that the regulations to give effect to Article 102 should be useful and relevant to Member States and should be kept updated to assist States in implementing their obligations thereunder;

2. *Takes note* of the report of the Secretary-General entitled "Review of the regulations to give effect to Article 102 of the Charter of the United Nations"[2] submitted pursuant to its resolution 71/148 of 13 December 2016, and the recommendations contained therein for consideration by the General Assembly;

3. *Amends* the regulations as detailed in the annex to the present resolution which, as amended, will apply as from 1 February 2019;

4. *Notes* that some Member States consider that there remain outstanding issues where the regulations may need further consideration or possible updating;

5. *Reaffirms its support* for the annual treaty event organized by the Secretary-General;

6. *Welcomes* the organization of workshops on treaty practice by the Treaty Section at Headquarters and at the national and regional levels as an important capacity-building initiative, encourages the Treaty Section to continue to do so as regularly as possible, and invites States to continue to support this activity;

7. *Also welcomes* efforts to build the capacity of States in treaty law and practice, and invites Member States to consider providing targeted technical assistance, upon request, at the bilateral, regional and multilateral levels, in particular to developing countries, in order to develop and enhance their treaty practices, including in the use of information and communications technology;

8. *Further welcomes* the efforts made to develop and enhance the United Nations electronic treaty database, which provides online access to comprehensive information on the depositary functions of the Secretary-General and the registration and publication of treaties under Article 102 of the Charter, and encourages the continuation of such efforts in the future, while bearing in mind the challenges that many developing countries face in accessing information and communications technology;

9. *Recognizes* the importance of the legal publications prepared by the Treaty Section, and stresses the need to update the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* in the light of new developments and practices;

10. *Acknowledges* the efforts of the depositaries in the registration of treaties under Article 102 of the Charter, and encourages the continuation of such efforts in the future;

11. *Calls upon* the Secretary-General to ensure the expedited publication of the United Nations *Treaty Series*, in accordance with the regulations, through the prompt provision of editorial and translation services, to enable effective dissemination of and access to treaties;

12. *Requests* the Secretary-General to provide, at its seventy-fifth session, a report, following broad consultations with Member States, with information on

[2] A/72/86.

practice and possible options to review the regulations, taking into account outstanding issues identified by Member States;

13. *Decides* to include in the provisional agenda of its seventy-fifth session the item entitled "Strengthening and promoting the international treaty framework".

Annex
Regulations to give effect to Article 102 of the Charter of the United Nations

Part One
Registration

Article 1

1. Every treaty or international agreement, whatever its form and descriptive name, entered into by one or more Members of the United Nations after 24 October 1945, the date of the coming into force of the Charter, shall as soon as possible be registered with the Secretariat in accordance with these regulations.

2. Registration shall not take place until the treaty or international agreement has come into force between two or more of the parties thereto.

3. Such registration may be effected by any party or in accordance with article 4 of these regulations. Without prejudice to the right of a party to a treaty or international agreement to submit it for registration, when a treaty or international agreement designates a depositary, the depositary is encouraged to effect registration unless otherwise provided in the treaty or international agreement or agreed by its parties.

4. The Secretariat shall record the treaties and international agreements so registered in a register established for that purpose.

Article 2

1. When a treaty or international agreement has been registered with the Secretariat, a certified statement regarding any subsequent action which effects a change in the parties thereto, or the terms, scope or application thereof, shall also be registered with the Secretariat.

2. The Secretariat shall record the certified statement so registered in the register established under article 1 of these regulations.

Article 3

1. Registration by a party, in accordance with article 1 of these regulations, relieves all other parties of the obligation to register. Registration by a depositary, in accordance with article 1 of these regulations, relieves all parties of the obligation to register.

2. Registration effected in accordance with article 4 of these regulations relieves all parties of the obligation to register.

Article 4

1. Every treaty or international agreement subject to article 1 of these regulations shall be registered ex officio by the United Nations in the following cases:

(a) Where the United Nations is a party to the treaty or international agreement;

(b) Where the United Nations has been authorized by the treaty or international agreement to effect registration;

(c) Where the United Nations is the depositary of a multilateral treaty or international agreement.

2. A treaty or international agreement subject to article 1 of these regulations may be registered with the Secretariat by a specialized agency in the following cases:

(a) Where the constituent instrument of the specialized agency provides for such registration;

(b) Where the treaty or international agreement has been registered with the specialized agency pursuant to the terms of its constituent instrument;

(c) Where the specialized agency has been authorized by the treaty or international agreement to effect registration.

Article 5

1. Any submission for registration under article 1 or 4 of these regulations shall include a certified copy of the treaty or international agreement, either in electronic or hard-copy format, together with a statement certifying that the text is a true and complete copy thereof.

2. The certified copy shall reproduce the text in all the languages in which the treaty or international agreement was concluded, including all annexes or attachments constituting an integral part of the treaty or international agreement. In the case of multilateral treaties or agreements, it shall also include the text of all reservations or declarations made or confirmed by the parties at the time of deposit of their instruments of consent to be bound, in all authentic languages in which these reservations or declarations were made.

3. The certifying statement shall set forth:

(a) The full title of the treaty or international agreement;

(b) The date(s) and place(s) of conclusion of the treaty or international agreement;

(c) The date on which the treaty or international agreement has come into force;

(d) The method whereby it has come into force (for example: by signature, by ratification, approval or acceptance, by accession, etcetera);

(e) The authentic languages in which it was concluded;

(f) When applicable, the names and official titles of the persons that have signed the treaty or international agreement on behalf of each party.

4. In the case of multilateral treaties or agreements, the certifying statement shall include, in addition to the information described in paragraph 3 of this article:

(a) A list of all the parties to the treaty or international agreement, indicating the date of deposit of each party's instrument of consent to be bound, the nature of such instrument (i.e. ratification, approval, acceptance, accession, etcetera) and the date of entry into force of the treaty for each party; and

(b) A certification that it includes all reservations or declarations made by parties thereto.

5. The requirements set forth in this article shall also apply to subsequent actions submitted pursuant to article 2 of these regulations.

Article 6

The date of receipt by the Secretariat of the United Nations of the treaty or international agreement registered shall be deemed to be the date of registration, provided that the date of registration of a treaty or agreement registered ex officio by the United Nations shall be the date on which the treaty or agreement first came into force between two or more of the parties thereto.

Article 7

A certificate of registration signed by the Secretary-General, or his or her representative, shall be issued to the registering party, or specialized agency or depositary, and also, upon request, to any party to the treaty or international agreement registered. Certificates of registration shall also be made public through electronic means.

Article 8

1. The register shall be kept in the English and French languages. The register shall comprise in respect of each treaty or international agreement, a record of:

(a) The serial number given in the order of registration;

(b) The title given to the instrument by the parties;

(c) The names of the parties between whom it was concluded;

(d) The dates of signature, ratification, approval or acceptance, exchange of ratification, accession, and entry into force;

(e) The duration, where appropriate;

(f) The language or languages in which it was drawn up;

(g) The name of the party, specialized agency or depositary which registers the instrument and the date of such registration;

(h) Particulars of publication in the treaty series of the United Nations.

2. Such information shall also be included in the register in regard to the statements registered under article 2 of these regulations.

3. The texts of registered treaties or international agreements, together with the certifying statements, shall remain in the custody of the Secretariat.

Article 9

The Secretary-General, or his or her representative, shall ensure that the register is publicly accessible, including through electronic means.

Part Two
Filing and recording

Article 10

The Secretariat shall file and record treaties and international agreements, other than those subject to registration under article 1 of these regulations, if they fall in the following categories:

(a) Treaties or international agreements entered into by the United Nations or by one or more of the specialized agencies;

(b) Treaties or international agreements transmitted by a Member of the United Nations which were entered into before the coming into force of the Charter, but which were not included in the treaty series of the League of Nations;

(c) Treaties or international agreements transmitted by a party not a member of the United Nations which were entered into before or after the coming into force of the Charter which were not included in the treaty series of the League of Nations.

Article 11

The provisions of articles 2, 5 and 8 of these regulations shall apply, mutatis mutandis, to all treaties and international agreements filed and recorded under article 10 of these regulations.

Part Three
Publication

Article 12

1. The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered or filed and recorded, in the original language or languages, followed by a translation in English and in French. The certified statements referred to in article 2 of these regulations shall be published in the same manner.

2. The Secretariat will, however, have the option not to publish in extenso a bilateral treaty or international agreement belonging to one of the following categories:

(a) Assistance and cooperation agreements of limited scope concerning financial, commercial, administrative or technical matters;

(b) Agreements relating to the organization of conferences, seminars or meetings;

(c) Agreements that are to be published otherwise than in the series mentioned in paragraph 1 of this article by the United Nations Secretariat, or by a specialized or related agency.

3. In deciding whether or not to publish in extenso a treaty or international agreement belonging to one of the categories mentioned in paragraph 2 of this article, the Secretariat shall duly take into account, inter alia, the practical value that might accrue from in extenso publication. Treaties and international agreements that the Secretariat intends not to publish in extenso shall be identified as such in the register, it being understood that a decision not to publish in extenso may be reversed at any time.

4. Any State or intergovernmental organization may obtain from the Secretary-General a copy of the text of any treaty or international agreement which it has been decided, pursuant to paragraph 2 of this article, not to publish in extenso. The Secretariat shall likewise make a copy of any such treaty or agreement available to private persons against payment.

5. In respect of each treaty or international agreement registered or filed and recorded, the series referred to in paragraph 1 of this article shall include at least the following information: the registration or recording number, the names of the parties, the title, the date and place of conclusion, the date and method of entry into force, the duration (where appropriate), the languages of conclusion, the name of the State or organization that has registered it or transmitted it for filing and recording, and, if

appropriate, references to publications in which the complete text of the treaty or international agreement is reproduced.

Article 13

The Secretariat shall make available the series referred to in article 12 of these regulations through any electronic means that may be available. It shall send printed copies of the series to Members of the United Nations, upon request.